

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CREIGHTON TAKATA, Individually and on behalf of all others similarly situated,	:	Civil Action No.: 18-2293(GC)(TJB)
<i>Plaintiff,</i>	:	CONSOLIDATED ACTION
v.	:	
RIOT BLOCKCHAIN, INC. F/K/A BIOPTIX, INC., JOHN O'ROURKE, JEFFREY G. MCGONEGAL, BARRY HONIG, CATHERINE DEFRAZESCO, MICHAEL BEEGHLEY, JOHN STETSON, MARK GROUSSMAN, ANDREW KAPLAN, MIKE DAI, JASON LES, and ERIC SO,	:	STIPULATION AND [PROPOSED] ORDER
<i>Defendants.</i>	:	
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Lead Plaintiff Dr. Stanley Golovac (“Plaintiff”) and Defendants Riot Blockchain, Inc. (“Riot”), John O’Rourke (“O’Rourke”), Barry Honig (“Honig”), Mark Groussman (“Groussman”), John Stetson (“Stetson”), Catherine DeFrancesco (“DeFrancesco”), and Michael Beeghley (“Beeghley”) (together “Defendants,” and together with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby agree and jointly propose this stipulation:

WHEREAS, on February 17, 2018, Creighton Takata (“Takata”) initiated the above-captioned action against Riot, O’Rourke, and Jeffrey G. McGonegal (“McGonegal”), alleging violations of the Securities Exchange Act of 1934 (ECF No. 1);

WHEREAS, the Court appointed Dr. Stanley Golovac as Lead Plaintiff and the law firm of Motley Rice LLC as Lead Counsel on November 6, 2018 (ECF No. 40);

WHEREAS, Plaintiff filed a Complaint against Riot, Honig, O’Rourke, McGonegal, and Beeghley on January 15, 2019 (ECF No. 52);

WHEREAS, Riot, Honig, O'Rourke, McGonegal, and Beeghley moved to dismiss the Complaint on March 18, 2019 (ECF Nos. 66, 67);

WHEREAS, Plaintiff filed a Consolidated Amended Class Action Complaint for alleged violations of federal securities laws on May 8, 2019 (ECF No. 72), adding DeFrancesco, Stetson, Groussman, Andrew Kaplan (“Kaplan”), Mike Dai (“Dai”), Jason Les (“Les”), and Eric So (“So”) to the action;

WHEREAS, Plaintiff filed a corrected Consolidated Amended Class Action Complaint (the “Amended Complaint”) on May 9, 2019 (ECF No. 73);

WHEREAS, Defendants filed motions to dismiss the Amended Complaint on September 3 (ECF Nos. 107, 108, 112), September 5 (ECF No. 118), September 30 (ECF Nos. 131, 132), and October 1, 2019 (ECF No. 134);

WHEREAS, Chief Judge Freda L. Wolfson dismissed the Amended Complaint without prejudice in an Order dated April 30, 2020 (ECF No. 167);

WHEREAS, Magistrate Judge Zahid N. Quraishi granted Plaintiff leave to file a Consolidated Second Amended Class Action Complaint (the “Second Amended Complaint”) in a Memorandum Opinion and Order dated December 23, 2020 (ECF No. 187);

WHEREAS, Plaintiff filed a Second Amended Complaint on December 24, 2020 (ECF No. 188);

WHEREAS, Defendants filed motions to dismiss the Second Amended Complaint on February 8, 2021 (ECF Nos. 192, 194, 195, 196, 197);

WHEREAS, Judge Zahid N. Quraishi requested supplemental briefing on Defendants’ motions to dismiss on February 28, 2022 (ECF No. 216), which the Parties submitted on March 14, 2022 (ECF Nos. 217–222);

WHEREAS, Judge Zahid N. Quraishi dismissed the Second Amended Complaint without prejudice in an Opinion (ECF No. 223) and Order (ECF No. 224) dated April 8, 2022, in which it was ordered that Plaintiff may file a separate motion seeking leave to amend his Complaint in a manner consistent with the Opinion;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, among the Parties, subject to the Court's approval, that:

1. To the extent that Plaintiff chooses to file a motion seeking leave to amend his Complaint pursuant to the Court's Opinion (ECF No. 223) and Order (ECF No. 224), Plaintiff shall file any such motion on or before May 9, 2022.
2. If Plaintiff elects not to file a motion seeking leave to amend, then the Court shall enter a dismissal of the action with prejudice, enter a judgment, and administratively close the case.

Dated: April 18, 2022

PAUL HASTINGS LLP

/s/ D. Scott Carlton
Chad J. Peterman
200 Park Avenue
New York, NY 10166
Telephone: (212) 318-6797
Facsimile: (212) 230-7797
chadpeterman@paulhastings.com

Thomas A Zaccaro (Admitted *pro hac vice*)
D. Scott Carlton (Admitted *pro hac vice*)
515 South Flower Street, Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000
Facsimile: (213) 627-0705
thomaszaccaro@paulhastings.com
scottcarlton@paulhastings.com

Counsel for Defendants Riot Blockchain, Inc., John O'Rourke and Michael Beeghley

LITE DEPALMA GREENBERG & AFANADOR, LLC

/s/ Joseph J. DePalma

Joseph J. DePalma
Jeremy N. Nash
570 Broad Street, Suite 1201
Newark, NJ 07102
Telephone: (973) 623-3000
Facsimile: (973) 623-0858
jdepalma@litedepalma.com
jnash@litedepalma.com

MOTLEY RICE LLC

William S. Norton (Admitted *pro hac vice*)
Joshua C. Littlejohn (Admitted *pro hac vice*)
Christopher C. Moriarty (Admitted *pro hac vice*)
28 Bridgeside Boulevard
Mt. Pleasant, SC 29464
Telephone: (843) 216-9000
Facsimile: (843) 216-9450
bnorton@motleyrice.com
jlittlejohn@motleyrice.com
cmoriarty@motleyrice.com

*Counsel for Lead Plaintiff Dr. Stanley Golovac and Lead
Counsel for the Class*

US MARKET ADVISORS LAW GROUP PLLC

David P. Abel
5335 Wisconsin Ave. NW, Ste. 440
Washington, D.C. 20015
Telephone: (202) 274-0237
dabel@usmarketlaw.com

Counsel for Lead Plaintiff Dr. Stanley Golovac

SHEPPARD MULLIN RICHTER & HAMPTON LLP

/s/ Robert D. Weber

Tyler E. Baker (New Jersey Bar No. 44392011)
Christopher J. Bosch (Admitted *pro hac vice*)
30 Rockefeller Plaza, 39th Floor
New York, NY 10112-0015
Telephone: (212) 653-8700
tbaker@sheppardmullin.com
cbosch@sheppardmullin.com

Robert D. Weber (Admitted *pro hac vice*)
1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067
Telephone: (310) 227-3746
rweber@sheppardmullin.com

Counsel for Defendant Barry Honig

GIBBONS P.C.

/s/ Kate E. Janukowicz
Kevin G. Walsh
Kate E. Janukowicz
One Gateway Center
Newark, NJ 07102
Telephone: (973) 596-4769
kwalsh@gibbonslaw.com
kjanukowicz@gibbonslaw.com

BAKER & MCKENZIE LLP

Perrie M. Weiner (Admitted *pro hac vice*)
Edward D. Totino (Admitted *pro hac vice*)
10250 Constellation Blvd., Suite 1850
Los Angeles, CA 90067
Telephone: (310) 201-4728
perrie.weiner@bakermckenzie.com
edward.totino@bakermckenzie.com

Counsel for Defendant Mark Groussman

QUINN EMANUEL URQUHART & SULLIVAN, LLP

/s/ Jacob J. Waldman
Jaclyn M. Palmerson
Alex Spiro (Admitted *pro hac vice*)
Julia M. Beskin (Admitted *pro hac vice*)
Jacob J. Waldman (Admitted *pro hac vice*)
51 Madison Avenue, 22nd Floor
New York, NY 10010-1601
Telephone: (212) 849-7000
jaclyn.palmerson@quinnmanuel.com
alex.spiro@quinnmanuel.com
julia.beskin@quinnmanuel.com
jacob.waldman@quinnmanuel.com

Counsel for Defendant Catherine DeFrancesco

LOWENSTEIN SANDLER LLP

/s/ *Matthew M. Oliver*

Matthew M. Oliver
One Lowenstein Dr.
Roseland, NJ 07068
Telephone: (212) 491-5852
moliver@lowenstein.com

WALFISH & FISSELL PLLC

Daniel Walfish (Admitted *Pro Hac Vice*)
405 Lexington Avenue, 8th Floor
Telephone: (212) 672-0521
dwalfish@walfishfissell.com

Counsel for Defendant John Stetson

SO ORDERED this ____ day of _____, 2022.

Georgette Castner
United States District Judge